

REMARKS

Claims 16, 20-26 and 31 are pending in this application and are presented for reconsideration.

Claims 16, 20-26 and 31 are finally rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Reconsideration is requested in light of the amendment *supra* and the following remarks.

Prior to discussing the amendment to independent claim 16, the undersigned would like to thank the examiner the courtesy of a telephonic interview on September 2, 2004 and for her helpful suggestions. In particular, the examiner noted that she had no objection to applicants' original preamble provided that the concentration limits were retained. She also pointed out there was a restriction requirement wherein applicants elected Group I, the compound of formula (1), now formula (3), not Group II, the compound of formula (2). However, changing "and/or" to "and" would be allowable. Since claims embracing the compound of formula (1), now formula (3), were allowable, the claims embracing the combination of formula (3) plus formula (2) would also be allowable.

Accordingly, applicants have amended their claims in order to more particularly point out and distinctly claim a preferred aspect of their invention. Thus, claim 16 has been amended to recite the original preamble, but with the later-added concentration limits being retained. Additionally, since the examiner indicated the combination of formula (1) plus formula (2) would also be allowable, the presence of the compound of formula (2), in appropriate concentration limits was made optional. Finally, the definition of the compound of formula (3) has been expanded to include the possibility of chlorine substitution on the benzotriazole compound of formula (3). This is supported by compound (55) on page 9 of the specification. Hence no new matter has been added.

Applicants note that the examiner has already searched elected Group I, the compounds of formula (1) wherein, *inter alia*, R₃ could be hydrogen or halogen, preferably Cl.

It is respectfully submitted that all the claims submitted for reconsideration are in good formal order. Reconsideration and withdrawal of the rejection of claims 16, 20-26 and 31 under 35 U.S.C. §112, first paragraph is therefore solicited.

Since there are no other grounds of objection or rejection, passage of this application to issue with claims 16, 20-26 and 31 is earnestly solicited.

Applicants submit that the present application is in condition for allowance. In the event that minor amendments will further prosecute, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,



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DEC 16 2004

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Enclosures: RCE, Petition for Extension of Time